

**Draft Changes Based on Comments - Construction Stormwater General Permit  
(INRA00000)**

Page 1 of 51

**Indiana Department of Environmental Management**

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In compliance with the provisions of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq., the "Act"), Title 13 of the Indiana Code, Articles 5 and 15 of Title 327 the Indiana Administrative Code, and regulations adopted by the Environmental Rules Board, the Indiana Department of Environmental Management (IDEM) is issuing this NPDES general permit to regulate discharges of stormwater from construction activities into surface waters of the State of Indiana.

This permit is issued on: \_\_\_\_\_, **2021**

This permit is effective on: \_\_\_\_\_, **2021**

This permit expires on: \_\_\_\_\_, **2026**

In accordance with IC 13-15-3-6, 40 CFR 122.6, and 123.25, the conditions of this permit remain fully effective and enforceable after the expiration date of this permit if the permittee has timely submitted a notice of intent for coverage under this permit and IDEM has not, through no fault of the permittee, issued a new permit on or before the expiration date of this permit.

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Martha Clark Mettler  
Assistant Commissioner  
Office of Water Quality

*(September 10, 2021)*

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Table of Contents

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<b>GENERAL PERMIT COVERAGE and PERFORMANCE STANDARDS .....</b>	<b>4</b>
<b>1.0 GENERAL PERMIT COVERAGE.....</b>	<b>4</b>
1.1 Permit Area .....	4
1.2 Discharges Authorized/Covered by this Permit.....	4
1.3 Discharges Not Authorized by This Permit .....	6
1.4 Fees (Application) .....	6
<b>2.0 ELIGIBILITY FOR PERMIT COVERAGE .....</b>	<b>6</b>
2.1 Permit Coverage .....	6
2.2 Exclusion from Permit Coverage .....	7
2.3 Waivers and Special Conditions .....	7
<b>3.0 PERFORMANCE STANDARDS .....</b>	<b>8</b>
3.1 General Requirements .....	8
3.2 Design Requirements .....	9
3.3 Implementation Requirements.....	11
3.4 Stabilization Requirements.....	14
3.5 Special Provisions .....	15
3.6 Monitoring and Project Management Requirements .....	16
3.7 Project Documentation Requirements .....	18
3.8 General Performance Standards Applicable to Individual Residential Building Sites within a Permitted Project Area:.....	20
3.9 Single Family Residences and Ponds that are not Part of a Larger Common Plan of Development or Sale must: .....	21
<b>4.0 CONSTRUCTION/STORMWATER POLLUTION PREVENTION PLAN.....</b>	<b>22</b>
4.1 Plan Content .....	22
4.2 Plan Submittal .....	27
4.3 Plan Review .....	28
4.4 Plan Modification .....	28
<b>5.0 NOTICE OF INTENT (NOI).....</b>	<b>29</b>
5.1 NOI Requirement .....	29
5.2 NOI Content .....	29
5.3 Deadlines for NOI Submittal .....	32
5.4 NOI Renewal.....	33
5.5 NOI Amendments.....	33

**Draft Changes Based on Comments - Construction Stormwater General Permit  
(INRA00000)**

Page 3 of 51

5.6	Submitting the NOI and Processing Fee.....	34
5.7	NOI Review .....	34
<b>6.0</b>	<b>NOTICE OF TERMINATION (NOT) .....</b>	<b>34</b>
6.1	NOT Requirement .....	34
6.2	NOT Content .....	34
6.3	NOT Conditions.....	35
6.4	Deadlines for NOT Submittal .....	35
<b>7.0</b>	<b>ADDITIONAL REQUIREMENTS.....</b>	<b>38</b>
7.1	Standard Conditions for General Permits .....	38
7.2	Planned Changes in Project or Discharge .....	38
7.3	Other Information .....	39
7.4	Effect of Noncompliance.....	39
7.5	Reporting Spills and Noncompliance .....	39
7.6	Individual or Alternative General NPDES Permit .....	40
7.7	Records Retention.....	40
7.8	Reopening Clause .....	40
7.9	State and Local Laws .....	40
Appendix A: Clarification of land-disturbing activities and the applicability to obtain permit coverage.....		42
Appendix B Definitions: .....		46

*(September 10, 2021)*

## **GENERAL PERMIT COVERAGE and PERFORMANCE STANDARDS**

### **1.0 GENERAL PERMIT COVERAGE**

#### **1.1 Permit Area**

This general permit covers all areas of the State of Indiana.

#### **1.2 Discharges Authorized/Covered by this Permit**

This permit authorizes the following discharges to waters of the state:

- (a) Stormwater, including stormwater run-off, snowmelt run-off, and surface run-off and drainage, associated with construction activity (40 CFR § 122.26(b)(14) or § 122.26(b)(15)(i)).
- (b) Stormwater discharges designated by IDEM as needing to obtain coverage under this permit (40 CFR § 122.26(a)(1)(v) or § 122.26(b)(15)(ii)).
- (c) Stormwater discharges from construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material) provided the support activity is directly related to the construction site, and:
  - (1) The support activity is not a commercial/industrial operation, nor does it serve multiple unrelated construction projects.
  - (2) The support activity does not continue to operate beyond the completion of the construction activity for the project it supports; and
- (d) Non-stormwater discharges or flows from permitted construction activities, provided they are not identified by the department as significant sources of pollutants to waters of the state. This includes but is not limited to:
  - (1) Emergency fire-fighting water
  - (2) Fire hydrant flushing water
  - (3) Landscape irrigation water
  - (4) Water used to control dust
  - (5) Water line flushing
  - (6) Routine external building washdown water that does not use detergents
  - (7) Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes
  - (8) Uncontaminated, non-turbid discharges of ground water or spring water

- (9) Uncontaminated condensate from air conditioning units, coolers, and other compressors, and from outside storage of refrigerated gases or liquids
- (10) Foundation or crawl space footing drainage where flows are not contaminated with process materials such as solvents or contaminated ground water; and
- (11) Construction dewatering water that has been treated by an appropriate water quality measure or series of measures, provided other contaminants are not present in the discharge water

This permit serves as a National Pollutant Discharge Elimination System (NPDES) general permit and is issued to be effective for a term of five (5) years. In order to obtain authorization to discharge under this permit, a person must submit a notice of intent (NOI) pursuant to Section 5.0 of this permit. The commissioner may deny coverage under this permit and require an application for an individual permit.

Except as provided in Section 1.3, when a complete NOI is submitted as set forth in Section 5.0 of this permit, a project site is permitted to discharge stormwater and allowable non-stormwater in accordance with the terms of this permit. The authorization to discharge becomes effective 48-hours after submittal of the NOI to IDEM. Any discharge of stormwater not authorized under this permit or by an individual permit are unlawful.

Permittees who are granted general permit coverage will remain covered under this permit until the earliest of the following:

- (a) The permittee receives authorization for coverage under a reissued or replacement version of this permit; or
- (b) IDEM's receipt of the permittee's submittal of a notice of termination (refer to Section 6.0); or
- (c) Issuance or modification of an individual permit for the discharges covered by this permit; or
- (d) A final decision by IDEM either to revoke or to not reissue this permit, at which time IDEM will identify a reasonable time period for covered dischargers to seek

coverage under an alternative permit or an individual permit. Coverage under this permit will terminate at the end of this identified time period.

### **1.3 Discharges Not Authorized by This Permit**

The following discharges are not authorized by this permit:

- (a) Direct discharges into waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5 or an Outstanding State Resource Water (OSRW) defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d) when the commissioner determines that a discharge from the land-disturbing activity will significantly lower water quality as defined under 327 IAC 2-1.3-2(50) of such a water downstream of that discharge.
- (b) Direct discharges to a receiving stream when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving stream for that pollutant as identified on the current 303(d) list of impaired waters.
- (c) Discharges of concrete or cementitious wash water from washout activities or release from containment systems.
- (d) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials.
- (e) Soaps, detergents, or solvents used in vehicle and equipment washing.
- (f) Other discharges, including but not limited to fuel, oil, or other pollutants used in vehicle and equipment operation and maintenance.

### **1.4 Fees (Application)**

Any person who seeks coverage under this general permit is required to remit an application fee with the NOI in accordance with IC 13-18-20-10(a). This fee is required for an initial NOI or a renewal request. Coverage under this permit may be revoked for nonpayment of applicable fees as set forth in IC 13-18-20.

## **2.0 ELIGIBILITY FOR PERMIT COVERAGE**

This permit applies to all projects that meet the requirements in Section 2.1. Projects that occur in a designated municipal separate storm sewer system (MS4) jurisdictional area and are regulated by the MS4 entity must also comply with all appropriate MS4 ordinances and regulations related to stormwater discharges.

### **2.1 Permit Coverage**

This permit applies to construction activities with a projected land disturbance of one (1) acre or more, and operations that result in the land disturbance of less than one (1) acre of total land area that are part of a larger common plan of development or sale. Land disturbances that will require permit coverage are further clarified in Appendix A.

## 2.2 Exclusion from Permit Coverage

- (a) This permit does not apply to:
  - (1) Agricultural land-disturbing activities, including tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery and vegetative crops, pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural subsurface field tile.
  - (2) Silvicultural activities associated with nonpoint discharges (40 CFR 122.27).
  - (3) Stormwater discharges associated with oil and gas exploration, production, processing or treatment operations, or transmission facilities (40 CFR 122.26).
  - (4) Ditch maintenance for activities performed on a regulated drain by a county drainage board, or a ditch where the drainage board has relinquished jurisdiction to a municipality or a sanitary district, as defined in Appendix B and in accordance with IC 36-9-27.
  - (5) Land-disturbing activities listed below, provided other applicable permits contain provisions requiring implementation of erosion and sediment control measures and stormwater management measures:
    - (A) Landfills that have been issued a certification of closure under 329 IAC 10.
    - (B) Coal mining activities permitted under IC 14-34.
    - (C) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by IDEM under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

## 2.3 Waivers and Special Conditions

- (a) Discharges are conditionally authorized for land-disturbing activities that are subject to this permit but are considered an emergency. Emergency activities include any work which requires immediate implementation to avoid imminent endangerment to human health, public safety, the environment, or to re-establish essential public services.
- (b) Procedures for obtaining an emergency condition authorization, require the applicant to:
  - (1) Submit notification of the emergency to IDEM and where applicable to a MS4 within 24 hours or next business day of initiating land disturbance. An email notification to IDEM Stormwater Program ([Stormwat@idem.IN.gov](mailto:Stormwat@idem.IN.gov)) is acceptable. For projects regulated by a MS4 notification to a MS4 must follow the local process defined for emergencies.
  - (2) Develop a SWP3 that specifically addresses the operations associated with the emergency. The submittal of the plan to IDEM is not required.

- (3) Submit a complete NOI within thirty (30) calendar days after commencing land-disturbing activities to IDEM, establishing eligibility under this permit.

### **3.0 PERFORMANCE STANDARDS**

All permittees must manage stormwater discharges as necessary to meet the narrative water quality criteria (327 IAC 2-1-6(a)(1)(A-D) and 327 IAC 2-1.5-8(a) and 327 IAC 2-1.5-8 (b)(1)(A-D) for any discharge authorized by this permit, compliance is required upon beginning such discharge. For stormwater discharges, the use of stormwater management measures and planning principles is expected to achieve the control necessary to meet water quality criteria.

- (a) The stormwater pollution prevention plan (SWP3) will serve as a guideline for stormwater management but should not be interpreted to be the only basis for implementation of stormwater measures for a project site. The permittee is responsible for implementing all measures necessary to comply with the provisions of this permit.
- (b) All stormwater management measures, including erosion and sediment control measures and post-construction measures must be implemented in accordance with this permit and sufficient to satisfy Section 3.1 through 3.9.
- (c) Ensure “trained individuals”, as defined in Appendix B, are utilized for activities associated with the development and design of the SWP3, stormwater measure implementation, self-monitoring, and stormwater project management.
- (d) Retain the construction/SWP3 and the project management log for at least three (3) years following the date the project permit coverage is terminated.

#### **3.1 General Requirements**

- (a) A permittee must, at a minimum, meet each of the following requirements:
  - (1) Sediment-laden water which otherwise would flow from the project site must be managed with sediment control measures appropriate to minimize sedimentation to receiving waters and adjacent properties.
  - (2) Natural features, including wetlands and sinkholes (karst features), must be protected with appropriate stormwater management and/or treatment measures to address pollutant discharges associated with stormwater run-off.
  - (3) Soil compaction is to be minimized, especially in areas where permanent vegetation will be re-established and/or areas that are designated to infiltrate stormwater for the post-construction phase.
  - (4) Topsoil must be preserved, unless infeasible.
  - (5) Existing natural buffers that are adjacent to waters of the state must be preserved to promote infiltration and provide protection of the water



resource, unless infeasible. Activities performed by a county drainage board under IC 36-9-27 are excluded.

- (A) Natural buffers must be preserved, including the entire buffer bordering and/or surrounding the water resource. Existing buffers:
  - 1) 50 feet or more in width must be preserved to a minimum of 50 feet.
  - 2) Less than 50 feet in width must be preserved in their entirety.
  - 3) May be enhanced with vegetation that is native and promotes ecological improvement and sustainability.
- (B) Run-off directed to the natural buffer must be:
  - 1) Treated with appropriate erosion and sediment control measures prior to discharging to the buffer.
  - 2) Managed with appropriate run-off control measures to prevent erosion from occurring within the buffer area.

### 3.2 Design Requirements

- (a) The selection, design, and implementation of all stormwater quality and management measures must at a minimum take into consideration the following:
  - (1) Sound engineering, agronomic, and scientific principles.
  - (2) Applicable standards as specified in technical manuals, the Indiana Stormwater Quality Manual or similar guidance documents, local ordinances, and the product guidance/specifications of the manufacturer.
  - (3) Appropriate measures must be planned, designed, and installed as part of an erosion and sediment control system.
  - (4) Stormwater run-off leaving the project site must be discharged in a manner that is consistent with applicable local, state, or federal law.
  - (5) Collected run-off leaving the project site must be either discharged directly into a well-defined, stable receiving conveyance or diffused and released without causing erosion at the point of discharge.
  - (6) Conveyance systems must be designed taking into consideration both peak flow and total volume and must be adequately protected so that their final gradients and resultant velocities are unlikely to cause erosion at the outlet or in the receiving channel, based on known conditions of the discharge at the time of design to accommodate post-construction conditions.
  - (7) Sediment basins, where feasible, must withdraw water from the surface of the water column unless equivalent sediment reduction can be achieved by use of alternative measures. Alternative measures include but are not limited to increasing the basin length to width ratio to 4:1 or greater, implementation of porous baffles, use of flocculants/polymers, and/or phasing of project land disturbance that also incorporates a rapid

stabilization program. During freezing conditions, the implementation of alternative withdrawal methods may be utilized.

- (8) Where applicable, stormwater run-off and project site discharges must be directed to an established vegetated area to increase pollutant removal and maximize stormwater infiltration.
- (9) Post-construction stormwater management measures must be implemented to manage the discharge of stormwater run-off to address quality and quantity. Measures must be designed and engineered in accordance with the following standards and at a minimum:
  - (A) The run-off rate of stormwater run-off and/or volume from the project site must meet local requirements to address stormwater quantity as established by ordinance or other regulatory mechanism. When a local requirement does not exist, the post-development run-off discharge from the project site must not exceed the pre-development discharge based on the two-year, ten-year, and one-hundred-year peak storm events.
  - (B) Run-off from the project site must be managed to minimize pollutants that are expected to be associated with stormwater run-off from the final land use. To achieve pollutant minimization goals, measures must be selected and meet the requirements as established by local ordinance or other regulatory mechanism. When a local requirement does not exist, the post-construction measures must be selected based on correct sizing to address the Water Quality Volume (WQv) or water quality flow rate to ensure compliance with 327 IAC 2-1-6(a)(1)(A-D) and 327 IAC 2-1.5-8(a) and 327 IAC 2-1.5-8 (b)(1)(A-D).
  - (C) Utilize one (1) or more post-construction measures working in tandem or series to treat stormwater run-off and increase the overall efficiency of individual and specialized measures.
  - (D) In combination with proper post-construction measure selection, design and development strategies may be selected and incorporated into the plan to minimize the discharge pollutants. These strategies may include, but are not limited to:
    - 1) Low Impact Development (LID) and green infrastructure.
    - 2) Infiltration measures. When selected, infiltration measures must take into consideration the pollutants associated with run-off and the potential to contaminate ground water resources. When there is a potential for contamination, choose alternative measures or measures that pre-treat run-off to eliminate or reduce the pollutants of concern.

### 3.3 Implementation Requirements

- (a) The following minimum standards apply to activities performed under this permit:
  - (1) Public roadways and roadways not exclusive to construction traffic must be kept cleared of accumulated sediment that is a result of run-off or tracking. The following minimum conditions are applicable:
    - (A) Clearing of sediment must not include the utilization of mechanical methods that will result in mobilization of dust off the project site or flushing the area with water unless the flushed water is directed to an appropriate sediment control measure.
    - (B) Cleared sediment must be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.
    - (C) Sediment discharged or tracked onto roadways that are open to traffic must be removed as directed by a regulatory authority or at a minimum, removed by the end of the same day.
  - (2) Phasing of construction activities must be used, when feasible, to minimize the footprint of disturbed unstable areas.
  - (3) Minimize the generation of dust through dust suppression techniques to prevent deposition into waters of the state and areas located beyond the permitted boundaries of the site.
  - (4) Stable construction site access measures must be provided at all points of construction traffic ingress and egress to the project site. Where the selected measure is not effective, an alternative measure or additional controls must be utilized to minimize tracking. Alternative measures may include, but are not limited to, wheel wash systems and rumble strips.
  - (5) During the period of construction activities, all stormwater management measures necessary to meet the requirements of this permit must be maintained. Alternative measures must be selected and implemented, as necessary.
  - (6) Discharge water from dewatering of ground water from excavations, trenches, foundations, etc. must not be discharged when:
    - (A) Sediment-laden water is not first directed to an appropriate sediment control measure or a series of control measures that minimizes the discharge of the sediment.
    - (B) A visible sheen and/or pollutants are present at a level that requires additional treatment and/or an alternate permit.
  - (7) Appropriate measures must be implemented to eliminate wastes or unused building materials including, but not limited to garbage, debris, cleaning wastes, wastewater, concrete or cementitious washout water, mortar/masonry products, soil stabilizers, lime stabilization materials, and other substances from being carried from a project site by run-off or wind.

Wastes and unused building materials must be managed and disposed of in accordance with all applicable statutes and regulations.

- (8) Construction and domestic waste must be managed to prevent the discharge of pollutants and windblown debris. Surplus plastic or hardened concrete/cementitious materials are not required to be placed in trash receptacles and are considered clean fill that may be reused, disposed of on-site, or recycled in accordance with applicable state and federal regulations. Management of waste materials may include, but are not limited to:
  - (A) Waste containers (trash receptacles), when selected to manage waste, must be managed to reduce the discharge of pollutants and blowing of debris. Receptacles that are not appropriately managed will require alternatives that include but are not limited to:
    - 1) A cover (e.g., lid, tarp, plastic sheeting, temporary roof) to minimize exposure of wastes to precipitation or
    - 2) A similarly effective method designed to minimize the discharge of pollutants.
  - (B) Waste that is not disposed of in trash receptacles must be protected from exposure to the weather and/or removed at the end of the day from the site and disposed of properly.
- (9) Concrete or cementitious washout areas, where washout is permissible, must be identified for the site and the locations clearly posted. Wash water must be directed into leak-proof containers or leak-proof containment areas which are located and designed to divert run-off away from the measure and sized to prevent the discharge and/or overflow of the wash water.
- (10) Fertilizer applications associated with the stabilization plan for the project must meet the following requirements:
  - (A) Apply fertilizer at a rate and amount as determined by a soil analysis or in accordance with the Indiana Stormwater Quality Manual or similar guidance documents.
  - (B) Apply fertilizer at an appropriate time of year for the project location, taking into consideration proximity to a waterbody, and preferably timed to coincide with the period of maximum vegetative uptake and growth.
  - (C) Avoid applying fertilizer immediately prior to precipitation events that are anticipated to result in stormwater run-off from the application area.

- (11) Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention and clean-up measures must be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality. To meet this requirement:
  - (A) Proper project management and the utilization of appropriate measures including, but not limited to, eliminating a source or the exposure of materials must be completed.
  - (B) Manage the following activities:
    - 1) Fueling and maintenance of equipment.
    - 2) Washing of equipment and vehicles.
    - 3) Storage, handling, and disposal of construction materials, products, and wastes.
    - 4) Application of pesticides, herbicides, insecticides, and fertilizers
    - 5) Dispensing and utilization of diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals.
    - 6) Handling and disposal of hazardous wastes, including, but not limited to paints, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.
    - 7) Washing of applicators and containers used for paint, grout, or other materials.
- (12) Personnel associated with the project must be informed of the terms and conditions of this permit and the requirements within the SWP3. The permittee is required to document this process. Information must be provided through written notification, contracts, or other means (i.e., pre-construction meetings) that effectively communicates the provisions and requirements of the permit and SWP3. Personnel may include, but are not limited to:
  - (A) General contractors, construction management firms, grading or excavating contractors, and trade industry representatives (i.e., concrete industry) associated with the overall project.
  - (B) Contractors or individual lot operators that have primary oversight on individual building lots.
  - (C) Those responsible for the implementation of the SWP3, and the installation, repair, and maintenance of stormwater measures.
  - (D) Those responsible for the application and storage of treatment chemicals.
  - (E) Those responsible for administering the self-monitoring program (SMP).

- (13) A notice must be posted near the main entrance of the project site or at a publicly accessible location. For linear project sites, such as a pipeline or highway, the notice must be placed in a publicly accessible location near the project field office.
  - (A) The notice must be maintained in a legible condition and include:
    - 1) A copy of the completed NOI or a document that at a minimum contains the information in Section 5.2 (a)(1), (a)(3), (a)(6)(A), (a)(6)(E), and (a)(10).
    - 2) Documentation contained in Section 3.7 (a)(3)(A).
    - 3) The NPDES permit number(s), upon receipt.
    - 4) The location of the construction plan/SWP3 if the project site does not have an on-site location to store the plan.

#### **3.4 Stabilization Requirements**

- (a) Un-vegetated areas that are left idle or scheduled to be left inactive must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. To meet this requirement, the following apply:
  - (1) Stabilization must be initiated by the end of the seventh day the area is left idle. The stabilization activity must be completed within fourteen (14) days after initiation. Initiation of stabilization includes, but is not limited to, the seeding and/or planting of the exposed area and applying mulch or other temporary surface stabilization methods where appropriate. Areas that are not accessible due to an unexpected and disruptive event that prevents construction activities are not considered idle.
  - (2) Areas that have been compacted may be excluded from the stabilization requirement when the areas are intended to be impervious surfaces associated with the final land use, provided run-off from the area is directed to appropriate sediment control measures.
- (b) Final stabilization of a project site is achieved when:
  - (1) All land-disturbing activities have been completed and a uniform (evenly distributed, without large bare areas) perennial vegetative cover with a density of seventy percent (70%) has been established on all unpaved disturbed areas, and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed. This requirement does not apply to:
    - (A) Landscaping that is part of the final project plan. This is considered stable when the plan has been fully implemented and areas not being vegetated are stable with a non-erosive material and/or product.
    - (B) Projects or specific stormwater measures that utilize native vegetation and/or special vegetative plantings that are either required by a water quality permit/authorization or part of the design and functionality of a

stormwater measure provided the activity does not pose a threat that will result in off-site sedimentation.

- (C) Projects on land used for agricultural purposes when:
  - 1) Stabilization is completed in accordance with Section 3.4 (a) as land-disturbance progresses. Land that is returned to agricultural production must be temporarily or permanently seeded upon completing land-disturbing activities. Stabilization requirements may be waived by the inspecting authority if the project site does not pose a threat of discharging sediment.
  - 2) Disturbed areas not previously used for agricultural production, such as filter strips, must be returned to their pre-land disturbance use.
- (D) Specific projects, due to function and/or operation may necessitate that an area remain disturbed. Only the minimum operational area is allowed to remain disturbed. This option primarily applies to off-road recreational commercial operations but may apply to other land use types upon determination by the regulating entity.

### 3.5 Special Provisions

- (a) The use of anionic polymers (cationic polymers are not authorized for use) on the project site are authorized for sediment control provided their use is in conformance with current State of Indiana standards and specifications and the use is identified in the stormwater pollution prevention plan (SWP3). If use of a polymer is not in the SWP3 and is selected at a later date notification to IDEM or the MS4 regulating the project is required. An email notification prior to the use of the polymer to the IDEM Stormwater Program is acceptable. For projects regulated by a MS4 notification must follow the local process for the use of polymers.
- (b) Restoration and/or clean-up may be required for those areas impacted by sediment or other pollutant discharges. These activities will be performed as directed by the inspecting authority and may require:
  - (1) Development and submittal of a removal and restoration plan to ensure the methodology chosen will not result in further degradation of the resource.
  - (2) Permission by a property owner when the restoration activity requires access to a property owned by another entity or individual.
  - (3) Additional permits prior to initiation of the work.

**3.6 Monitoring and Project Management Requirements**

- (a) Monitor and manage project construction and stormwater activities through administration of a self-monitoring program (SMP) that includes:
  - (1) A written evaluation of the entire project site, with the exception of those areas that are considered unsafe. The evaluation must be performed by a trained individual and completed:
    - (A) Twenty-four (24) hours prior to a qualifying precipitation event or by the end of the next business day following each measurable storm event (excludes accumulated snow events); which is defined as a precipitation accumulation equal to, or greater than, one-half (0.50) inch of rainfall within a 24-hour period. If no rain event occurs within the work week a minimum of one inspection must occur. In the event of multiple qualifying events during the work week, no more than three (3) inspections would be required to meet the self-monitoring commitment.
    - (B) At a minimum of one (1) time per month for specific areas within the project which are stabilized with permanent vegetative cover at seventy (70) percent density and/or erosion resistant armoring is installed. A reduction to once per month is also applicable for the entire project site for stabilized common areas, basins, conveyances, outfalls, and inactive building sites. Prior to reducing the monitoring to monthly, records must identify the area and the date the area became eligible for monthly monitoring. Weekly monitoring as identified in (A) above must resume if one or more of the following occurs:
      - 1) The vegetative cover fails or there is evidence of erosion in the identified area.
      - 2) IDEM or the inspecting authority requires monitoring to resume.
  - (2) A complete written evaluation report which must include:
    - (A) Name of the individual performing the evaluation, including printed name, title, and signature (electronic signatures are acceptable).
    - (B) Date of the evaluation.
    - (C) Amount of precipitation, when the evaluation is conducted after a measurable storm event. Recorded rainfall may be documented utilizing an on-site rain gauge or storm event information from a weather station that is representative of the project location.
    - (D) Observations of project performance in relation to:
      - 1) Implementation of the stormwater pollution prevention plan.
      - 2) Assessment of existing stormwater measures based on industry standards and as identified in Section 4.1 (a)(8)(D) to ensure each measure is operational and functioning properly.



- 3) Additional measures necessary in the event an existing measure fails or is not present in the landscape
  - 4) Impacts including, but not limited to, sediment discharges, erosion, discharges that results in bank erosion, and operational activities that have the potential to generate pollutants and unauthorized discharges.
  - 5) Status of areas that have been identified to be inspected once per month as outlined in Section 3.6 (a)(1)(B).
- (E) Documentation of an actual discharge that is visible during the assessment, the location of the discharge and a visual description of the discharge. The visual description includes, but is not limited to, color (turbidity reading is an option), odor, floatables, settled/suspended solids, foam, oil sheen, and any other visible sign that may be attributed to operations occurring on the project site.
- (F) Detail of corrective action recommended and/or completed. Corrective action includes, but is not limited to:
- 1) Repairing, modifying, or replacing any stormwater management measure.
  - 2) Clean-up and proper disposal of spills, releases, or other deposits.
  - 3) Remedying a permit violation.
  - 4) Taking reasonable steps to remediate, minimize or prevent the discharge of pollutants associated with the construction activity until a permanent corrective solution is initiated.
  - 5) Restoring an impacted area and/or removing accumulated sediment, provided appropriate permission and permits are obtained to conduct the activity.
- (G) A timeline for which the corrective action will occur to remediate the discharge of pollutants. The established corrective action, at a minimum, must be initiated:
- 1) On the day the deficiency was discovered or when it is not practical to initiate on the discovery date, no later than forty- eight (48) hours for the repair of a measure or installation of a temporary measure until a new and/or replacement measure is installed as specified in item 2) below.
  - 2) Within seven (7) days of discovery for the installation of a new (alternative) measure or replacement of an existing measure, unless a shorter timeframe is required as part of a regulatory inspection. The inspecting authority may also allow additional time to take corrective action.

- 3) If corrective action cannot be achieved within the timelines outlined in 1) or 2) above, a reason for incompleteness must be provided and documented, including the anticipated completion date.
- (H) Documentation of corrective action taken from the previous self-monitoring report.
- (3) Maintaining the SMP reports at the site or at an easily accessible location (refer to Project Documentation Requirements in Section 3.7 below).
- (4) Providing all reports for the project site to the inspecting authority within forty-eight (48) hours of a request. Electronic copies are acceptable, provided they are in a format consistent with the paper record.

### 3.7 Project Documentation Requirements

- (a) A project site owner must demonstrate that the public has been notified that a construction activity is to commence. The notification must:
  - (1) Be completed prior to the submittal of an initial notice of intent.
  - (2) Contain specific language, including:
    - (A) The name of the company or individual responsible for obtaining permit coverage or another entity that represents the responsible company or individual.
    - (B) A statement that a NOI will be submitted to IDEM with intent to discharge stormwater from construction activities/land-disturbing activities.
    - (C) The name of the construction project and a general location or if applicable an address for the project.
    - (D) The name(s) of the receiving water(s).
    - (E) Contact information (phone and email) to where questions may be directed.
- (3) Meet one or more of the options below:
  - (A) A posted notification at the project site, The notification must:
    - 1) Be located and visible at a publicly accessible location, preferably at the proposed entrance to the project.
    - 2) Contain the date the notice was posted.
    - 3) Include items in (2) (A) - (E)
    - 4) Signed by the project site owner or their representative.
    - 5) Be legible and on an 8 1/2 X 11-inch sheet at a minimum.
    - 6) Be posted ten (10) calendar days prior to submittal of the notice of intent and remain posted with the NOI when it is posted at the project site.

- (B) Local, state, and federal governmental agencies have the option to post a notification on their publicly accessible website for ten (10) calendar days prior to submittal of the notice of intent. The posting must include the date of the posting and items in (2) (A) - (E) above. The notice must be maintained with the project management log.
  - (C) If the applicant does not meet the requirement listed in either (A) or (B) above, the notification must be published in a printed or digital newspaper of general circulation in the affected area(s) for at least one day. The posting must include the items in (2) (A) - (E) above and posted with the NOI at the project site. Maintain a copy of the published advertisement and the affidavit with the project management log.
- (4) Be documented and a record maintained in the project management log that demonstrates compliance with the notification process. Documentation may be requested and must be provided within 48 Hours of a request.
- (b) Maintain a project management log that contains:
  - (1) Information related to all off-site borrow sites, disposal areas, and staging areas that are off-site and meet the criteria listed in Appendix A (5)(B), including:
    - (A) The location of each activity.
  - (2) Information related to all project activities including, but not limited to:
    - (A) SMP reports.
    - (B) Regulatory inspections.
    - (C) Responses to a compliance action or enforcement action.
    - (D) Records showing the dates of all SWP3 modifications. The records must include the name of the person authorizing each change and a summary of all changes.
- (c) Ensure the SWP3 and supporting documentation associated with the SMP and project management log are accessible at the project site office or in the possession of on-site individuals with responsibility for the overall project management or associated with the management and operations of construction activities. This information must be provided to IDEM or the inspecting authority within forty-eight (48) hours of a request.

**3.8 General Performance Standards Applicable to Individual Residential Building Sites within a Permitted Project Area:**

- (a) The following general requirements apply to all individual building lots, where the individual lot operator/owner is working within a permitted project.
  - (1) All stormwater measures, including erosion and sediment control measures, necessary to comply with this permit must be implemented in accordance with the overall project construction plan and sufficient to satisfy 3.8(2)-(3).
  - (2) Provisions for erosion and sediment control and project management on individual building lots regulated under the overall project site permit must ensure:
    - (A) The individual lot operator (contractor/subcontractor), whether owning the property or acting as the agent of the individual lot owner, is responsible for erosion and sediment control requirements associated with activities on individual lots.
    - (B) Installation and maintenance of a stable construction site access, unless the site is to be accessed solely from impervious or similar non-erosive areas.
    - (C) Installation and maintenance of appropriate erosion and sediment control measures prior to land disturbance.
    - (D) Temporary stabilization is utilized on the building site, but not required during periods when accessibility to the building site is a necessity.
    - (E) Sediment discharges and tracking from each lot is minimized until permanent stabilization has been achieved.
    - (F) Sediment that is either tracked or discharged onto internal project site roads is removed by the end the same day. Clearing of sediment must not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules.
    - (G) Adjacent lots disturbed by an individual lot operator are required to be repaired and stabilized with permanent surface stabilization.
    - (H) Appropriate measures must be implemented to eliminate wastes or unused building materials including, but not limited to garbage, debris, cleaning wastes, wastewater, concrete or cementitious washout water, mortar/masonry products, soil stabilizers, lime stabilization materials, and other substances from being carried from the building site by run-off or wind. Wastes and unused building materials must be managed and disposed of in accordance with all applicable statutes and regulations.

- (I) Construction and domestic waste must be managed to prevent the discharge of pollutants and windblown debris in accordance with 3.3 (a)(8).
  - (J) Demolition waste must be managed to prevent windblown debris and to protect water quality.
  - (K) Concrete and cementitious washout areas provided by the permittee of the overall project site are utilized unless a leak-proof containment system is operated on the building lot, or special arrangements are made to properly dispose of the wash water. Washout systems on individual lots are the responsibility of the individual lot operator and must be properly installed and maintained. Wash water must be managed by the individual lot operator and is not allowed to discharge.
- (3) For individual residential lots, final stabilization meeting the criteria in Section 3.4(b)(1) of this permit will be achieved. The individual lot operator must:
- (A) Complete final stabilization taking into account weather and season.
  - (B) Initiate permanent seeding with appropriately crimped or tackified mulch cover, erosion control blanket, sod; or
  - (C) Install appropriate and/or ensure functional erosion and sediment control measures are in place on the individual lot. Upon issuance of the certificate of occupancy and concurrence of the homeowner, the homeowner is responsible to maintain the sediment control measures until final stabilization has occurred.
- 3.9 Single Family Residences and Ponds that are not Part of a Larger Common Plan of Development or Sale must:
- (a) Obtain permit coverage in accordance with Section 2.0.
  - (b) Comply with this permit and the general performance standards in this Section with the exception of 3.2 (a)(9), 3.6, and 3.8.

#### **4.0 CONSTRUCTION/STORMWATER POLLUTION PREVENTION PLAN**

The construction plan represents the overall project, including infrastructure and layout.

##### **4.1 Plan Content**

Develop a construction plan that includes a stormwater pollution prevention plan (SWP3) for both the construction and post-construction phases of the project.

The SWP3 must be developed in accordance with this permit or where applicable the requirements of a MS4 ordinance. The SWP3 must be signed by a “trained individual” as defined in Appendix B.

(a) The construction plan must include:

- (1) An index indicating the location, in the construction plan, of all information required by this Section.
- (2) A vicinity map depicting the project site location in relationship to recognizable local landmarks, towns, and major roads.
- (3) A project narrative and supporting plan documents (documentation may be included on the plan sheets or in a separate document), which must include:
  - (A) A description of the nature and purpose of the project.
  - (B) A legal description of the project site. The description must include the legal section(s), or alternative land division(s), township and range.
  - (C) The latitude and longitude in decimal representation at:
    - 1) The approximate entrance to the project site that is obtaining permit coverage if the project is not linear.
    - 2) The beginning of the project site for linear projects.
  - (D) The size of the project area expressed in acres.
  - (E) The total expected land disturbance expressed in acres.
  - (F) Construction support activities that are expected to be part of the project.
  - (G) The soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions.
  - (H) The general construction sequence related to phasing of the project.
  - (I) A reduced plat or project site map that is submitted on a sheet or sheets no larger than eleven (11) inches by seventeen (17) inches for all phases or sections of the project site (multiple sheets may be submitted to meet this requirement) and includes:
    - 1) The boundaries of the project site as represented in the full construction plans and for which the notice of intent (NOI) will be submitted.

- 2) The boundaries of each phase, section, or other divisions of the project site associated with the construction activity.
- 3) When applicable, the lot numbers, lot boundaries, road layout, and road names.
- 4) A legend.
- (J) The identification and location of all wetlands, lakes and water courses on or adjacent to the project site.
- (K) The location of any in-stream activities that are planned for the project including, but not limited to stream crossings and pump arounds.
- (L) The identification and status of any other state or federal water quality permits or authorizations that are required for construction activities associated with the project site. If the permit or authorization has not been obtained, provide the expected timeline for obtaining the permit or authorization.
- (M) The Identification of a U.S. EPA approved or established TMDL, including the name of the TMDL and the pollutant(s) for which there is a TMDL.
- (N) The Identification of discharges to a water on the current 303(d) list of impaired waters and the pollutant(s) for which it is impaired.
- (4) An existing project site layout which must include:
  - (A) The identification of all wetlands, lakes, and water courses on, or adjacent to, the project site.
  - (B) The location of all existing structures on the project site.
  - (C) The boundaries of the one hundred (100) year floodplains, floodway fringes, and floodways.
  - (D) A soil map of the predominant soil types, as determined by the United States Department of Agriculture, Natural Resources Conservation Service (USDA, NRCS) Soil Survey, an equivalent publication, or as determined by a soil scientist. A soil legend must be included with the soil map.
  - (E) The identification and delineation of natural buffers and existing vegetative cover, such as crop or crop residue, grass, weeds, brush, and trees.
  - (F) The land use of all adjacent properties.
  - (G) The existing topography at a contour interval appropriate to indicate drainage patterns.
  - (H) The location(s) of where run-off enters the project site.
  - (I) The location(s) of where run-off discharges from the project site.
- (5) The final project site layout which must include:

- (A) The location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures, and common areas.
  - (B) The boundaries of one hundred (100) year floodplains, floodway fringes, and floodways.
  - (C) The proposed final topography at a contour interval appropriate to indicate drainage patterns.
  - (D) The boundaries of natural features or unique resource areas that will be left undisturbed or preserved including, but not limited to, wetlands, steep slopes, riparian corridors, and natural buffers.
- (6) A grading plan which must include:
- (A) A delineation of all proposed land-disturbing activities, including known off-site activities that will provide services to the project site.
  - (B) The location of all on-site soil stockpiles and borrow areas and, when known at the time of submittal, the location of all off-site borrow, soil stockpiles, and disposal areas.
  - (C) The existing and proposed topography.
- (7) A drainage plan which must include:
- (A) The location, size, and dimensions of all stormwater drainage systems, such as culverts, storm sewers, and conveyance channels.
  - (B) The locations of specific points where concentrated stormwater and non-stormwater discharges will leave the project site.
  - (C) The locations where stormwater may be directly discharged into ground water, such as abandoned wells, sinkholes, or karst features.
  - (D) The name(s) of the receiving water(s) and, when the discharge is to a system (storm sewer, stormwater management measure, etc.) owned/or operated by a municipality, city, town, or county, the name of the system operator and the ultimate receiving water.
  - (E) The location, size, and dimensions of features, such as existing permanent retention or detention facilities, including manmade wetlands, designed for the purpose of stormwater management.
- (8) A SWP3 associated with construction activities. The plan must be designed and implemented to achieve the minimum performance requirements of Section 3.0 of this permit and must include:
- (A) A description of the potential pollutant generating sources and pollutants, including all potential non-stormwater discharges listed in Section 1.2 (d) that are associated with the construction activities, which may reasonably be expected to contribute pollutants to stormwater discharges.



- (B) The location, dimensions, detailed specifications, and construction details of all temporary and permanent stormwater quality measures, Including, but not limited to:
  - 1) Erosion control measures;
  - 2) Sediment control measures;
  - 3) Perimeter control measures;
  - 4) Run-off control measures;
  - 5) Dewatering applications and management methods;
  - 6) Measures utilized to cross water resources for the accessibility needed to perform construction;
  - 7) Measures utilized to isolate or separate construction activities from work within waterbodies; and
  - 8) Concrete and cementitious washout areas and management measures.
- (C) Temporary stabilization and permanent stabilization plans, including the sequence of implementation planned to minimize the footprint of disturbed, unstable soil and the following information:
  - 1) Specifications and application rates for soil amendments and seed mixtures.
  - 2) The type and application rate for anchored mulch, erosion control blanket, and other appropriate stabilization options.
- (D) For each temporary stormwater measure, a maintenance standard, including a threshold of when each requires corrective action and/or replacement with alternative measures.
- (E) The planned construction sequence describing the relationship between implementation of stormwater quality measures, including temporary and permanent stabilization and stages of construction activities. The sequence must include the measures that will be implemented prior to land disturbance in a specific drainage area and those that will be implemented as construction progresses throughout the life of the project.
- (F) The provisions for erosion and sediment control on individual building lots regulated under the permit.
- (G) A material handling and spill prevention and spill response plan meeting the requirements in 327 IAC 2-6.1, including contact information for local emergency personnel and the IDEM Emergency Spill Line (888)233-7745 or (317)233-7745
- (H) The material handling and storage procedures associated with construction activity describing the management and disposal of construction products and waste.

- (9) A post-construction SWP3 is required for all projects with the exception of:
  - (A) Land-disturbing activities where there will be no additional impervious surfaces associated with the final completed project, including but not limited to, ditch construction/reconstruction and utility installation/maintenance activities.
  - (B) Single-family residential strip development offered for sale or lease without land improvements and the project is not part of a larger common plan of development or sale.
  - (C) Individual residential building lots within a permitted project site.
  - (D) Residential developments consisting of four (4) or fewer lot developments where the proposed impervious surfaces are 10% or less of the project acreage. Impervious is determined by the sum of all infrastructure (roads, paths, parking, etc.) and the average projects hard surfaces associated with all building lots within the project.
  - (E) Single family residences and private ponds that are not part of a larger common plan of development or sale.
- (10) The post-construction SWP3 must meet, at a minimum, the performance requirements in Section 3.1 and 3.2 or where applicable local post-construction requirements. The plan must include:
  - (A) A description of potential pollutant generating sources and a list of pollutants from the proposed land use that may reasonably be expected to contribute pollutants to stormwater discharges.
  - (B) A description of stormwater quality and stormwater management measures that will be installed to address post-construction sources that are expected to generate pollutants in stormwater discharges after construction activities have been completed. The measures selected should achieve, at a minimum, the following objectives:
    - 1) Stormwater quality measures that target pollutants of concern and are designed to remove or minimize pollutants from stormwater run-off that is associated with the final land use.
    - 2) Stormwater quality measures that will be implemented to prevent or minimize adverse impacts to aquatic resources including, but not limited to, wetlands, streams, karst features, and riparian habitats.
    - 3) Stormwater management measures that will address the potential impacts of increased run-off from the project. Measures must be designed and approved according to this permit or where applicable local requirements and drainage ordinances. A trained individual must approve that the design meets the applicable requirement(s).

- 4) Measures, including structural and those based on low impact development principles, selected to address the pollutant(s) of concern, reduction of peak flows, and ability to infiltrate.
- 5) Protective measures that will be implemented during active construction when the type of post-construction measure(s) planned are susceptible to pollutants, specifically sediment that may be generated during land-disturbing activities.
- (C) The location, dimensions, detailed specifications, and construction details of all post-construction stormwater quality and stormwater management measures.
- (D) A sequence describing when each post-construction stormwater measure will be installed in relation to project construction.
- (E) An operation and maintenance manual that includes a description of the maintenance guidelines for all post-construction stormwater measures to facilitate their proper long-term function. This operation and maintenance manual must be provided to future parties who will assume responsibility for the operation and long-term maintenance of the post-construction stormwater measures.
- (F) When known at the time of plan submittal, the entity that will be responsible for operation and maintenance of the post-construction system.

#### 4.2 Plan Submittal

- (a) For a project site where the proposed land disturbance is one (1) acre or more as determined under Section 2.0 of this permit, the following requirements apply:
  - (1) A construction plan, including the stormwater pollution prevention plan (SWP3) must be submitted prior to the initiation of any land-disturbing activities to the appropriate soil and water conservation district (SWCD), municipal separate storm sewer system (MS4), or, when directed, to IDEM for verification that the plan meets the minimum requirements of this permit or the applicable ordinance of a MS4.
  - (2) Project site owners of projects occurring outside of MS4 jurisdictional areas may request a single coordinated review through IDEM when the construction activity will occur in more than one (1) county.

#### 4.3 Plan Review

- (a) The construction/SWP3 review is based on the requirements of this permit and for projects within a MS4, the requirements as established by the MS4. The MS4 is responsible for plan reviews within their jurisdictional area.
- (b) IDEM, SWCDs, or MS4s, may require plan modifications, terms, and conditions as necessary to meet the requirements of the permit and for a MS4, the local ordinance.
- (c) A plan may be deemed deficient based any of the following:
  - (1) The plan does not meet the content requirements of Section 4.0 or MS4 requirements.
  - (2) The plan does not include provisions to avoid, adequately protect, or identify a wetland, state/federal jurisdictional water, or other natural feature and work activities are not feasible on other areas of the project site. Upon notification, the plan review is suspended until such time as the appropriate permits/authorizations are obtained or stormwater measures are planned to protect the resource feature.
- (d) When the plan is determined to be deficient:
  - (1) When notification of a deficient plan is received, the plan must be modified to meet the requirements of this permit and/ a MS4 requirement and resubmitted prior to land disturbance.
- (e) When the project site representative does not receive notification of plan review verification within:
  - (1) The review period as established by the MS4 a NOI may be submitted to IDEM provided documentation of the delivery date of the plan is included with the NOI submittal.
  - (2) Twenty-eight (28) days after the plan is received by the department or a SWCD reviewing on behalf of the department, a NOI may be submitted to IDEM, provided documentation of the delivery date of the plan is included with the NOI submittal.

#### 4.4 Plan Modification

- (a) Modifications to the construction and/or stormwater pollution prevention plan (SWP3) are required when:
  - (1) There are changes to the construction plan/SWP3, stormwater management measures, pollution prevention measures, off-site borrow and disposal areas, or other activities at the project site are no longer accurately reflected in the plan(s).
  - (2) Evaluations related to implementation of the self-monitoring program (SMP) or investigations by project management staff determine that SWP3

modifications are necessary for management of the project and compliance with this permit.

- (3) IDEM and/or the inspecting authority upon finding reasonable cause determines that changes to the plan are necessary due to site conditions, inadequate minimization of pollution discharge, or project design changes.
- (b) Modifications or revisions to the plans are only required to be submitted upon request. If requested, plans must be submitted to the appropriate entity within twenty-one (21) calendar days, or a later date determined by the inspecting authority of a request for a modification.

## **5.0 NOTICE OF INTENT (NOI)**

### **5.1 NOI Requirement**

A person seeking coverage under this permit must submit the appropriate notice of intent (NOI) for this specific general permit as provided by the commissioner. The NOI must be signed by a person who has the appropriate signatory authority as required by 40 CFR 122.22.

### **5.2 NOI Content**

- (a) The following information must be submitted by the project site owner with a complete notice of intent (NOI):
  - (1) The project site owner's name, address, telephone number, and email address.
  - (2) The ownership status associated with the project as defined by federal, state, county, municipal, private, or other entity.
  - (3) A contact person's (if different than project site owner), name, company name, address, email address, and telephone number.
  - (4) The NOI preparer's name, address, telephone number, and email address.
  - (5) The construction plan/stormwater pollution prevention plan preparer's, name, address, telephone number, and email address.
  - (6) Project site information, including:
    - (A) The name of the project as it appears on the construction plan and, when applicable, alternative names that may be associated with the project. The name must include the specific designations that are associated with the project and identified on the plans, including phases, sections, or other divisions
    - (B) When available, the street address of the project for which the NOI is being submitted or when not available a description of the location based on local landmarks (e.g., road, intersections).
    - (C) A brief description of the construction project, including a statement of the specific activity (clearing, grading, etc.) for which the NOI is being

- submitted and which corresponds to the scope of the construction plan that was submitted for the project site.
- (D) The total acreage of the project site. This does not include future sections and/or phases that will be developed.
  - (E) The number of acres to be involved in the construction activities and disturbed. The disturbed acreage claimed in the NOI must be consistent with the acreage identified in the construction/stormwater pollution prevention plan. Permit coverage is only associated with the disturbed acreage and those areas where appropriate storm-water management measures are identified in the SWP3.
  - (F) The total impervious surface area, in square feet for the final project site including structures, roads, parking lots, and other similar improvements.
  - (G) The latitude and longitude in decimal representation at:
    - 1) The approximate entrance to the project site if the project is not linear.
    - 2) For linear projects the latitude and longitude for the beginning of the project.
  - (H) The estimated dates for initiation and completion of construction activities.
  - (7) The name(s) of the receiving water(s) and, when the discharge is to a system (storm sewer, stormwater management measure, etc.) owned/or operated by a municipality, city, town, or county, the name of the system operator and the ultimate receiving water.
  - (8) The Identification of a U.S. EPA approved or established TMDL.
  - (9) The Identification of discharges to a water on the current 303(d) list of impaired waters.
  - (10) As applicable, a list of all municipal separate storm sewer systems (MS4s) within which the project site lies or discharges to.
  - (11) Notification from IDEM, soil and water conservation district (SWCD), or MS4 (for projects regulated by a MS4) as the reviewing agency indicating that the construction/stormwater pollution prevention plan is sufficient to comply with this permit or the applicable ordinance of a MS4, including the name of the plan reviewer and the MS4 the reviewer represents.
  - (A) When the review was not completed within twenty-eight (28) days (this time frame may not apply to a MS4 conducting a plan review in accordance with a local ordinance), documentation of the delivery date of the plan to the reviewing agency is acceptable to meet this requirement.

- (B) Verification of plan review of an acceptable plan may be used for a renewal NOI or for continuation of permit coverage provided the following conditions are met:
  - 1) The original boundaries of the project are not being expanded by one (1) acre or more. Expansion beyond one (1) acre or more at the time of renewal will require new permit coverage for the project expansion.
  - 2) The local MS4 or designated reviewing agency does not require a new review.
- (12) A reduced plat or project site map that is submitted on a sheet or sheets no larger than eleven (11) inches by seventeen (17) inches for all phases or sections of the project site (multiple sheets may be submitted to meet this requirement) and includes:
  - (A) The boundaries of each phase, section, or other divisions of the project site that is associated with the construction activity and as represented in the construction plans/stormwater pollution prevention plan.
  - (B) When applicable, the lot numbers, lot boundaries, and road layout, and road names.
  - (C) A legend.
- (13) A written certification by the project site owner that:
  - (A) The public has been notified of the intent to obtain stormwater construction permit coverage for land-disturbing activities utilizing one of the three options outlined in Section 3.7 (a).
  - (B) A notice will be posted on the project site prior to land disturbance as required by Section 3.3 (a)(13).
  - (C) The stormwater quality measures included in the stormwater pollution prevention plan comply with the requirements in Section 3.0 of this permit and that the plan complies with all applicable federal, state, and local stormwater requirements.
  - (D) The measures required by Section 3.0 of this permit will be implemented in accordance with the stormwater pollution prevention plan (SWP3).
  - (E) Stormwater quality measures beyond those specified in the SWP3 will be implemented during the life of the permit when necessary to comply with Section 3.0 of this permit.
  - (F) Implementation of stormwater quality measures will be inspected by trained individuals.

### 5.3 Deadlines for NOI Submittal

After the project site owner has received notification from the reviewing agency that the construction plan/SWP3 meets the requirements of this permit and any applicable municipal separate storm sewer system (MS4) ordinance a complete NOI must be submitted to the commissioner.

- (a) For a new project, the NOI must be submitted at least 48 hours prior to any land disturbance, or a discharge occurs.
- (b) For a project that has existing, effective coverage under the former general permit rule (327 IAC 15-5), on the effective date of this general permit, the existing coverage shall automatically be extended, provided that the permittee takes one of the following actions within ninety (90) days following the date that the commissioner makes the NOI form available to the permittee.
  - (1) The project site owner submits a new NOI in accordance with this Section to affirm his/her intention to comply with the requirements of this general permit.
  - (2) The permittee submits a NOI - Continuation of Coverage, unless otherwise directed by the commissioner to submit a new NOI. By submitting a NOI - Continuation of Coverage, the permittee agrees to operate under the new general permit, including all applicable performance requirements. The effective dates for the project as established under the previous permit will remain in effect and must be renewed ninety (90) days prior to the established expiration date. Permittees that submit a NOI-Continuation of Coverage must comply with the construction stormwater general permit. Projects that are currently permitted under 327 IAC 15-5 were developed under specific requirements and it is not the intent of the department to require extensive modifications to the design elements. Following is a list of items that are applicable to a permittee applying for continuation of coverage.
    - (A) Section 3.0 Performance Standards including:
      - 1) 3.0(a), 3.0(c), and 3.0(d)
      - 2) 3.1(a)(1) through (4)
      - 3) 3.2(a)(1) through 3.2(a)(6)
      - 4) 3.3
      - 5) 3.4
      - 6) 3.5
      - 7) 3.6
      - 8) 3.7
      - 9) 3.8.



- (B) The construction/stormwater pollution prevention plan is not required to be updated for design elements that are listed in the construction stormwater general permit.
- (C) The performance standards that apply to continuing coverage and are procedural may require modifications to operating procedures. The permittee must update their procedures within 30 days of applying for continuation of coverage.
- (3) The permittee notifies IDEM in writing of its intent to terminate general permit coverage in accordance with Section 6.0 of this general permit; or
- (4) The permittee submits an individual NPDES application or modification to IDEM for the existing discharge permitted by the former general permit rule. In such cases, the general permit coverage will remain in effect until the effective date of coverage under an individual NPDES permit.
- (c) A copy of the completed NOI, once submitted to IDEM must also be submitted to the appropriate plan review agency (SWCD(s) and/or MS4(s)), where the land-disturbing activities are to occur.

#### 5.4 NOI Renewal

- (a) Coverage under this general permit is granted by the commissioner for a period of five (5) years from the date coverage commences.
- (b) Once the five (5) year term duration is reached, coverage issued under this general permit will be considered expired, and, as necessary for construction activity continuation, a new NOI must be submitted in accordance with 5.3(b).
- (c) To obtain renewal of coverage under this general permit, the information required under 5.2 must be submitted to the commissioner ninety (90) days prior to the termination of coverage under this general permit, unless the commissioner determines that a later date is acceptable.

#### 5.5 NOI Amendments

- (a) An amendment for coverage is required when:
  - (1) The name of the project has changed.
  - (2) The project personnel (individual representing the projects site owner and/or proejct contact) identified in the notice of intent have changed.
  - (3) The original boundaries of the project are being expanded and the total cumulative expansion is less than one (1) acre. Project expansion thresholds at one (1) acre and above require submittal of a new NOI and coverage under a new permit with the exception of the provision in (b) below.
  - (4) Land disturbance identified in the SWP3 and within the original project boundaries cumulatively expands less than one (1) acre.

- (b) IDEM may grant an amendment for permit coverage based on a written request from the project site owner demonstrating extenuating circumstances that warrant an amendment to an existing permit in lieu of submitting a new NOI.

#### **5.6 Submitting the NOI and Processing Fee**

The NOI and all supporting documents must be submitted online through the Regulatory ePortal. Applicants are encouraged to pay the fee online per the instructions on the ePortal.

If an individual or entity does not have the ability to submit NOIs or NOTs electronically, the applicant/permittee may request an exemption from the requirement which must include the justification of the inability to utilize an electronic filing system.

**Submit hard copies to this address:**

Indiana Department of Environmental Management  
Office of Water Quality, Stormwater Program  
100 North Senate Avenue  
IGCN, Room 1255  
Indianapolis, Indiana 46204-2251

#### **5.7 NOI Review**

When the NOI is determined to be deficient by IDEM, the project site owner or their representative must address the deficient items or submit an amended NOI to the department within fourteen (14) calendar days of receipt of the notification. Upon notification that a NOI is deficient, land disturbance may not commence.

### **6.0 NOTICE OF TERMINATION (NOT)**

#### **6.1 NOT Requirement**

A permittee must request termination of coverage under this general permit when discharges of stormwater associated with the construction activity and land disturbance have ceased. In order to do so, the permittee must complete and submit a notice of termination (NOT) including a signature as required by 40 CFR 122.22.

#### **6.2 NOT Content**

- (a) The notice of termination (NOT) must include:
  - (1) The name of the project as it appeared on the notice of intent.
  - (2) The NPDES permit number that was assigned to the project by IDEM.
  - (3) The location of the project.
  - (4) The acreage associated with the project as it appeared on the notice of intent or acceptable amendments.

- (5) The name of the permittee.
- (6) Permittee contact information, including the name of the company and/or corporation, when applicable, address, phone number, and email address.
- (7) Date the site was eligible for termination.
- (8) A certification statement acknowledging eligibility for termination, based on the appropriate requirements for the type of termination.
- (9) The date, if required, when verification was performed including a copy of the document. Verification by IDEM, a soil and water conservation district (SWCD), or municipal separate storm sewer system (MS4), is required when:
  - (A) It is a requirement of compliance, an agreed order, or an enforcement settlement.
  - (B) The project is within and regulated by a local MS4.

### **6.3 NOT Conditions**

- (a) The permittee must plan an orderly and timely termination of the construction activities, including the implementation of permanent stormwater management measures that are to remain on the project site.
- (b) After a NOT has been received, maintenance of the remaining stormwater management measures will be the responsibility of the individual lot owner or occupier of the property, unless a contractual agreement exists for another entity such as a municipal separate storm sewer system (MS4) to take responsibility for the measures.
- (c) Failure to maintain a post-construction stormwater quality measure that results in a violation of water quality standards, following project termination, may require the responsible entity that manages the measure to obtain permit coverage and/or implement a compliance plan to ensure long-term functionality of the measure.

### **6.4 Deadlines for NOT Submittal**

- (a) Where a project site has coverage under this general permit and the MS4 has regulatory authority for that project, the permittee must obtain verification of eligibility to terminate from the MS4 prior to submittal of the NOT.
- (b) The permittee must submit a NOT to the department and a copy to the appropriate soil and water conservation district (SWCD) and/or MS4 in accordance with the following:
  - (1) Except as provided (2) or (3) below, the permittee must submit a NOT when each of the following conditions have been met:
    - (A) All land-disturbing activities, with the exception of activities identified in Section 3.4 (b)(1)(B), 3.4 (b)(1)(C), and 3.4 (b)(1)(D), including

- construction on all building lots, have been completed and the entire site has been stabilized.
- (B) All temporary erosion and sediment control measures have been removed.
  - (C) All discharges of potential pollutants associated with active construction and pollutant-generating activities have ceased.
  - (D) All construction materials, waste, waste handling devices, equipment and vehicles have been removed.
- (2) The permittee may be eligible to obtain early release from compliance with this permit when each of the following conditions are met:
- (A) The project is a multi-lot development that includes residential building lots or out lots associated with a commercial/industrial project that is part of a larger common project that has permit coverage.
  - (B) All land-disturbing activities have been completed and the entire project site meets the performance criteria for final stabilization as required by 3.4(b), with the exception of individual residential building lots or commercial/industrial out lots that have active land disturbance at the time of the request to terminate.
  - (C) The remaining, undeveloped acreage does not exceed five (5) acres, with contiguous areas not exceeding one (1) acre (applies to residential projects only).
  - (D) A NOT is submitted with a map of the entire project site, clearly identifying all remaining undeveloped lots and acreage of each, including those under construction. The submittal must be accompanied by a list of names and addresses of individual lot owners or individual lot operators for each lot that is idle or currently being built upon.
  - (E) All public and common improvements, including infrastructure and common areas, have been completed and have been transferred to the appropriate local entity.
  - (F) All permanent post-construction stormwater management measures common to the overall development have been installed and are operational.
  - (G) The planned disturbance of remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.
  - (H) Following acceptance of the NOT from IDEM for early release, the permittee must notify all current individual lot owners and all subsequent individual lot owners of the remaining undeveloped acreage and acreage with construction activity of the following:

- 1) The requirement to install and maintain appropriate erosion and sediment control measures to prevent sediment from leaving the individual building lot.
  - 2) Their responsibility to maintain all erosion and sediment control measures that are to remain on-site.
  - 3) Post-construction measures common to the overall project are not intended to be the primary construction site sediment control measure(s).
  - 4) Permit coverage and the submittal of a NOI is required under the construction stormwater general permit, regardless of lot size for all commercial/industrial out lots.
  - 5) Permit coverage and submittal of a NOI by the project site owner/operator of an individual residential lot is not required unless notified by IDEM.
- (3) Change of Ownership under this permit must be made when the project is sold to a new owner or operator and the following occurs:
- (A) The change of ownership is requested for portions of the site based on eligibility and concurrence of IDEM, when the following conditions are met:
    - 1) The portion(s) of the project site being sold are specifically designated by section, phase, etc. that is represented on the plans and the active NOI.
  - (B) The seller notifies IDEM in advance of the proposed transfer date.
    - 1) The seller must submit an amended NOI that reflects the change and indicates the portion(s) of the project site (section, phase, etc.) they are retaining, or
    - 2) The seller must submit a NOT if they are transferring/selling the entire project site as identified in the original NOI to the buyer
  - (C) Stormwater measures required as part of the overall project and located within common areas of the project are operational and are under the control of the new owner(s).
  - (D) The new owner or operator certifies to IDEM their intent to operate the project site without making such material and substantial alterations or additions to the project as would significantly change the nature or quantities of pollutants discharged.
  - (E) The new owner or operator submits a new NOI before the transfer in accordance with the provisions of Section 5.0 of this permit.
- (c) A permittee that requests termination and is found to be ineligible may be returned to permit coverage and/or subject to civil penalties.

## **7.0 ADDITIONAL REQUIREMENTS**

### **7.1 Standard Conditions for General Permits**

The following standard permit conditions are incorporated by reference, as applicable to general permits.

<b>Standard Conditions</b>	<b>Federal Regulatory Cite</b>
a) Duty to comply	40 CFR 122.41(a)
b) Duty to reapply	40 CFR 122.41(b)
c) Need to halt or reduce activity not a defense	40 CFR 122.41(c)
d) Duty to mitigate	40 CFR 122.41(d)
e) Proper operation and maintenance	40 CFR 122.41(e)
f) Permit actions	40 CFR 122.41(f)
g) Property rights	40 CFR 122.41(g)
h) Duty to provide information	40 CFR 122.41(h)
i) Inspection and entry	40 CFR 122.41(i)
j) Monitoring and records	40 CFR 122.41(j)
k) Signatory requirements	40 CFR 122.41(k)
l) Reporting requirements	40 CFR 122.41(l)
m) Bypass reporting	40 CFR 122.41(m)
n) Upset reporting	40 CFR 122.41(n)
o) Additional reporting requirement for existing manufacturing, commercial, mining, and silvicultural dischargers	40 CFR 122.42(a)

### **7.2 Planned Changes in Project or Discharge**

The permittee must give notice to IDEM no later than thirty (30) days prior to the initiation of any physical alterations or additions to the permitted facility that will or may:

- (a) result in a discharge from a point previously not identified in the NOI;
- (b) result in the facility meeting one of the criteria for determining whether the facility is a new source as defined in 40 CFR 122.29(b);
- (c) change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject either to performance standards in the general permit, or to notification requirements under 40 CFR 122.42(a)(1); or
- (d) change the amount or frequency of the discharge.

Changes resulting in the addition (item (a) above) or deletion of a discharge point will necessitate the submission of a new NOI requesting this amendment, along with the appropriate fee in accordance with IC 13-18-20-12.

### **7.3 Other Information**

When the permittee becomes aware of a failure to submit any relevant facts or the submission of incorrect information in an NOI or any report, the permittee must promptly submit such facts and/or corrected information to the commissioner.

The permittee must promptly provide to IDEM written notice of any changes to items listed on the NOI. These would include:

- (a) any changes in contacts or responsible party;
- (b) any changes to addresses- mailing address or email address- for any contact or responsible party;
- (c) any changes to telephone numbers for any contact person or responsible party,
- (d) any changes involving the person or position with delegated signature authority for any forms or reports required by this general permit as set forth in Section 5.4 and 5.5 of this general permit.

### **7.4 Effect of Noncompliance**

All discharges must be consistent with the terms and conditions of this general permit. Any noncompliance constitutes a violation of applicable State and Federal laws, the Clean Water Act and IC 13 and is grounds for enforcement action, termination of coverage under the permit, requirement of an individual permit, and/or denial of permit coverage renewal.

When IDEM or the U.S. EPA determines that the performance standards contained in Section 3.0 of this general permit are not being met consistently, or that the discharge is causing or contributing to an excursion above any applicable water quality standard, the permittee may be notified by the commissioner in writing that an individual permit application is necessary.

### **7.5 Reporting Spills and Noncompliance**

The permittee must monitor for, identify, and report to IDEM any adverse incidents (including spills and leaks) which reach any surface water of the state. When the permittee observes or is otherwise made aware of any permit noncompliance or any adverse incident that may have resulted from a discharge from the permitted facility, the permittee must notify the IDEM Spill Line at (888) 233-7745 or (317) 233-7745.

**7.6 Individual or Alternative General NPDES Permit**

- (a) IDEM may require a person to obtain an individual NPDES permit or an alternative general permit in accordance with the provisions of 327 IAC 15-2-9 or 40 CFR 122.28(b)(3).
- (b) Any discharger authorized for coverage under this general permit may apply for coverage under an individual NPDES permit by submitting an individual NPDES application or modification to IDEM.

**7.7 Records Retention**

All records and information must be retained by the permittee for a minimum of three (3) years. All records must be kept by the permittee in such a manner that the reports will be readily available for IDEM compliance staff review. The three-year retention requirement will be extended:

- (a) automatically during the course of any litigation regarding the discharge of pollutants by the permittee or regarding promulgated effluent guidelines applicable to the permittee; or
- (b) as requested by the Regional Administrator of U.S. EPA or the commissioner.

**7.8 Reopening Clause**

- (a) This general permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing to include any applicable effluent limitation or standard issued or approved under 301(b)(2)(C), (D) and (E), 304 (b)(2), and 307(a)(2) of the Clean Water Act, when the effluent limitation or standard so issued or approved:
  - (1) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
  - (2) controls any pollutant not limited in the permit.
- (b) When this general permit is modified or revoked and reissued all persons regulated under it will be notified by IDEM. Those persons notified under this Section must, within one hundred twenty (120) days of the receipt of notification:
  - (1) submit a complete NOI containing the information required under the modified or reissued permit; or
  - (2) apply for an individual NPDES permit.; or
  - (3) submit a notice of termination (NOT) of discharge.

**7.9 State and Local Laws**

Coverage under this permit does not preempt any duty to obtain any other state, or local assent required by law for the discharge or for the construction or operation of the facility from which a discharge is made. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation or the Clean Water Act, as amended.





**Appendix A:**

Clarification of land-disturbing activities and the applicability to obtain permit coverage.

- (a) Specific activities will require permit coverage and notice of intent (NOI) based on land disturbance. Other land-disturbing activities will require compliance with conditions of this permit or may allow land-disturbing operations to occur under an existing permit for the overall development. These activities are defined below and apply to:
  - (1) An individual lot operator of a residential lot within a multi-lot project site with permit coverage is required to:
    - (A) Develop a lot specific stormwater pollution prevention plan (SWP3). Where site characteristics are similar, one SWP3 may be developed for multiple lots. The SWP3 must be developed in accordance with Section 3.8 and any applicable requirements of a MS4.
    - (B) Complete a Construction Stormwater Residential Development Registration form certifying their intent to comply with the Construction General Permit and where applicable the MS4 local ordinance. The Construction Stormwater Residential Development Registration certification must:
      - 1) Include the permittee of the overall residential development contact information, project name, permit number, and signature.
      - 2) Include the individual lot operator, contact information, and building lot or lots(s), and signature.
      - 3) Be maintained at each individual building lot.
    - (C) A NOI for the land disturbance on a lot or multiple lots within a project site is not required unless notified by the department that:
      - 1) The site characteristics dictates the need for separate permit coverage.
      - 2) A compliance issue has been identified for a specific individual lot operator or lot owner.
      - 3) The original permittee is no longer available and land-disturbing activities on individual lots necessitate permit coverage.
  - (2) A single-family residential lot (not part of a multi-lot project) must obtain permit coverage if the projected land disturbance is one (1.0) acre or more.
  - (3) Off-site construction activities with a projected land disturbance of one (1) acre or more that provide services (for example, road extensions, sewer, water, and other utilities) to a permitted project site when the activity is not under the control of the project site permittee must obtain permit coverage.

- (4) Residential strip developments are considered multi-lot projects and are required to obtain permit coverage. To determine applicability of coverage the following options apply.
  - (A) When improvements are made to the property in preparation for development and the total projected land disturbance for the entire development, including each building lot is one (1) acre or more based on the calculation in Appendix A (a)(c), the individual lot operator must obtain permit coverage. Upon sale of the individual lots, the permittee must notify each individual lot owner and/or individual lot operator of the requirements of this permit specifically Appendix A (1)(A) and (B).
  - (B) The individual that owns the parcels of platted lots does not make improvements and only sells the lots is not required to obtain permit coverage. Upon sale of the lots, the lot operator of one or more lots must obtain permit coverage and must develop a lot specific stormwater pollution prevention plan (SWP3). Where site characteristics are similar, one SWP3 may be developed for multiple lots. The SWP3 must be developed in accordance with Section 3.8 and any applicable requirements of a MS4.
- (5) Project site access roads and borrow, disposal, and soil stockpile areas that are associated with a permitted project and are located off the permitted site, must utilize the following criteria to determine if permit coverage is required:
  - (A) When the activities are located off-site and at a site or facility that has an NPDES permit that addresses stormwater run-off, the project site owner does not have to obtain permit coverage.
  - (B) When the off-site area is associated with an active construction stormwater permit and is owned and/or operated by the permittee, a new construction stormwater general permit is not required, provided the area(s) have been identified in the original construction plans and the acreage has been identified in the notice of intent (NOI).
  - (C) When activities are located at an off-site property and is operated by the contractor, the contractor must obtain permit coverage.
  - (D) When the contractor/project site owner offers for sale or transport to another location or delivers material and does not manipulate and/or place the material as part of an activity to construct or distribute for a specific purpose, the entity or property owner in receipt of the material must obtain permit coverage provided the operation meets the disturbance thresholds of this permit.

- (E) When the operation is an independent activity for the purpose of selling/providing soil material the activity requires permit coverage provided the operation meets the land disturbance thresholds of this permit.
- (6) Land-disturbing activities for the construction of the following agricultural operations must obtain permit coverage:
  - (A) Barns.
  - (B) Buildings to house livestock.
  - (C) Roads associated with infrastructure.
  - (D) Agricultural waste lagoons and other facilities.
  - (E) Lake, ponds and impoundments.
  - (F) Wetlands constructed voluntarily or as mitigation.
  - (G) Other infrastructure.
- (7) Utility projects that will result in land disturbances equal to or greater than one (1) acre must obtain permit coverage. Calculation of land disturbance must include an estimation for staging areas, new access roads, and the area necessary to work on a pole or junction.
  - (A) Land disturbance does not include:
    - 1) Vehicle travel between distinct areas through agricultural land that is in row crop production.
    - 2) Sections covered by protective mat (timber or synthetic materials) that will be restored to pre-construction land use.
  - (B) For projects that are not required to obtain permit coverage, appropriate storm-water management measures must be implemented on site to protect waters of the state
- (8) Facilities that have an industrial stormwater general permit or an individual permit that includes stormwater requirements must utilize the following criteria to determine if construction stormwater permit coverage is required from the department.
  - (A) Land disturbances of one (1) acre or more that are planned or projected, require the facility to obtain coverage under this permit.
  - (B) Land disturbances of less than one (1) acre that are to occur in a twelve-month period do not require the facility obtain separate coverage under this permit, however the facility is required to modify the facility's industrial stormwater pollution prevention plan prior to land disturbance. The modification to the plan must:
    - 1) Meet the intent of this permit and address all pollutants, including sediment that is associated with the land disturbance.
    - 2) Document when land disturbance for each activity is initiated.

- (C) When incremental land-disturbing activities are planned or occur within the existing facility boundaries identified in the industrial permit for the facility which will cumulatively result in one (1) acre or more disturbance in a twelve (12) month period (the 12 months is based on the first initiation of land disturbance), coverage under this permit will be required in accordance with the following:
    - 1) When the projected acreage of the incremental disturbance is known prior to initiation of construction, the facility operator is required to obtain permit coverage.
    - 2) When the projected acreage of the incremental disturbance is not known at the time of the first initiation of land disturbance, the facility operator is required to obtain permit coverage for the final activity that meets or exceeds the one (1) acre threshold regardless of the acreage size.
- (b) Land disturbance associated with off-road recreational commercial operations require permit coverage for initial land-disturbing activities or expansion of an existing operation of one (1) acre or more. The following provisions apply to these facilities and their operations:
  - (1) Off-road recreational facilities must maintain all post-construction measures, including sediment control measures that are designed to capture sediment from the final established track layout at the time of termination of permit coverage.
  - (2) Discharges of sediment or other pollutants once operations commence, may require continued permit coverage or a new permit.
- (c) Land disturbance on a multi-lot project must be calculated by adding the total area of land disturbance for improvements, such as roads, utilities, or common areas, and the expected total disturbance on each individual lot. The expected land disturbance for an individual lot must be calculated for:
  - (1) A single-family residential project site where the lot(s) are one-half (0.5) acre or more in total size, as one-half (0.5) acre of land disturbance.
  - (2) A single-family residential project site where the lot(s) are less than one-half (0.5) acre in size, as the actual lot size.
  - (3) All other types of project sites, such as industrial and commercial project sites, as a minimum of one (1) acre for all lots regardless of size.

## **Appendix B**

### **Definitions:**

The following definitions are specific to this permit.

- (1) "Agricultural conservation practices" means practices that are constructed on agricultural land for the purposes of controlling soil erosion and sedimentation. These practices include, but are not limited to grass waterways, sediment basins, terraces, and grade stabilization structures.
- (2) "Agricultural land-disturbing activity" means tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural subsurface drainage tile.
- (3) "Borrow area" means areas where materials are excavated for use as fill.
- (4) "Business day" means Monday through Friday excluding holidays.
- (5) "Cementitious wash water" means water that may contain a slurry of cement fines resulting from the cleaning of tools, and equipment used in the delivery, mixing, handling and working of materials that contain cement and has the properties of cement such as high pH and containing toxic metals and is often associated with materials such as mortar, plaster, stucco, and grout.
- (6) "Commissioner" refers to the commissioner of the department.
- (7) "Concrete washout" means the rinsing of chutes, pumps, curb and paving machines, hoppers, wheelbarrows, hand tools and any other equipment that are used to handle concrete, mortar, stucco, grout or other mixtures of cement. Concrete washout water is a wastewater slurry containing cementitious materials, metals and is caustic or corrosive, having a high pH.
- (8) "Construction activity" means land-disturbing activities and land-disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.
- (9) "Construction site access" means a stabilized stone surface at all points of ingress or egress to a project site for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.
- (10) "Construction support activity" means an activity that specifically supports the project and involves land disturbance and/or activities that may result in pollutant generating activities on their own. These activities include but are not limited to concrete or asphalt batch plants, staging areas, material storage areas, disposal sites, and soil stockpile areas.
- (11) "Construction waste" means discarded materials including packaging materials, electrical cuttings, plastics, styrofoam, and scrap construction materials including, shingles, timber, steel, and pipe.

- (12) "Contractor" or "subcontractor" means an individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.
- (13) "Conveyance" means combination of drainage components that are used to convey stormwater discharge, either within or downstream of the land-disturbing activity including:
  - a) "Manmade stormwater conveyance system" means a pipe, ditch, vegetated swale, or other stormwater conveyance system constructed by man except for restored stormwater conveyance systems;
  - b) "Natural stormwater conveyance system" means the main channel of a natural stream and the flood-prone area adjacent to the main channel; or
  - c) "Restored stormwater conveyance system" means a stormwater conveyance system that has been designed and constructed using natural channel design concepts. Restored stormwater conveyance systems include the main channel and the flood-prone area adjacent to the main channel.
- (14) "Debrushing" means controlling and removing woody vegetation with no or minimal disturbance of soil.
- (15) "Demolition" means solid waste resulting from the demolition of buildings and other structures, including, but not limited to, wood, plaster, metals, asphaltic substances, bricks, block and unsegregated concrete.
- (16) "Department" refers to the department of environmental management.
- (17) "Developer" means:
  - a) any person financially responsible for construction activity; or
  - b) an owner of property who sells or leases, or offers for sale or lease, any lots in a multiple lot project.
- (18) "Dewatering" means the act of draining rainwater and/or ground water from excavations, stormwater measures, building foundations, vaults, and trenches.
- (19) "Ditch maintenance" means to restore a conveyance system to its originally constructed channel capacity and to perform the function for which it was originally constructed as defined in IC 36-9-27. Maintenance includes:
  - a) cleaning (removal of accumulated sediments, de-brushing, and mowing),
  - b) spraying,
  - c) removing obstructions,
  - d) conducting minor repairs
- (20) "Domestic waste" means typical household trash, garbage or rubbish.
- (21) "Erosion" means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.
- (22) "Erosion and sediment control measure" means a practice, or a combination of practices, to control erosion and resulting sedimentation.

- (23) “Erosion and sediment control system” means the use of appropriate erosion, run-off, and sediment control measures to minimize sedimentation by first reducing or eliminating erosion at the source and then, as necessary, trapping sediment to prevent it from being discharged.
- (24) “Equivalent” means producing or achieving similar results and performance.
- (25) “Filter strip” means an area of undisturbed or planted vegetation used to retard or collect sediment for the protection of watercourses, reservoirs, or adjacent properties.
- (26) “Grading” means the cutting and filling of the land surface to a desired slope or elevation.
- (27) “Green Infrastructure” means an approach to water management that protects, restores, or mimics the natural water cycle.
- (28) “Impaired water” means any waterbody included on IDEM’s current 303(d) list.
- (29) “Impervious surface” means any land surface with a low or no capacity for soil infiltration, including, but not limited to pavement (sidewalks, streets, parking areas, and driveways), packed gravel or soil, and rooftops.
- (30) “Individual building lot” means a single parcel of land within a multi-parcel development.
- (31) “Individual lot operator” means a builder, contractor or subcontractor working on an individual lot.
- (32) “Individual lot owner” means a person who has a financial interest in the construction activities for an individual lot.
- (33) “Infeasible” means not technologically possible, or not economically practicable and achievable in light of best industry practices
- (34) “Infiltration” means the process by which surface water enters the soil and recharges streams, lakes, rivers, and underground aquifers. Stormwater infiltration is a fundamental component of the water cycle and is a centerpiece of stormwater management strategies.
- (35) “Inspection authority” means the department or other entity designated by the department to administer this permit or develop a local stormwater program.
- (36) “Land-disturbing activity” means any manmade change of the land surface including, but not limited to removing vegetative cover that exposes the underlying soil, excavating, filling, and grading.
- (37) “Landscape maintenance” means soil disturbance, excluding grading, cutting or filling, that is associated with killing existing vegetation to restore a lawn, seedbed preparation for establishing new lawns or planting sod, applying landscape mulch, or planting ornamental shrubs, trees, or other plantings.



- (38) “Larger common plan of development or sale” means a plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land must be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.
- (39) “Low Impact Development (LID)” means systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat.
- (40) “Measurable storm event” means a precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall, unless otherwise specified as a condition of this permit. A measureable storm event excludes an accumulated snow event.
- (41) “Natural buffer” means an existing (prior to land disturbance) undisturbed area adjacent to or surrounding surface waters within which construction activity is restricted.
- (42) “Natural Vegetation” means “vegetation that occurs spontaneously without regular management and/or maintenance. This definition also includes mitigation sites.
- (43) “Non-stormwater discharges” means discharges that do not originate from storm events. These discharges include, but are not limited to process water, air conditioner condensate, non-contact cooling water, sanitary waste, concrete washout water, paint wash water, irrigation water, or pipe testing water.
- (44) “Off road” means an operation or facility that is designed for vehicular recreational use.
- (45) “Permittee” means the individual or entity required to obtain a permit coverage as defined by Project Site Owner.
- (46) “Phasing” means sequential development of smaller portions of a large project site, stabilizing each portion before beginning land disturbance on subsequent portions, to minimize exposure of disturbed land to erosion.
- (47) “Plan review agency” means an entity that is authorized to evaluate the completeness and requirements of a plan including the department and other entity designated by department including a MS4 or SWCD.
- (48) “Project site” means the entire area on which construction activity is to be performed.

- (49) “Project site owner/operator” means the person required to submit the NOI letter and required to comply with the terms of this permit, including either of the following:
  - a) A developer.
  - b) A person or entity that has financial and operational control of construction activities and project plans and specifications, including the authority to approve expenditure of funds and ability to make modifications to plans and specifications.
- (50) “Regulatory authority” means the department or other entity designated by the department to administer this permit or develop a local stormwater program. The definition as used in this permit may also include local law enforcement.
- (51) “Run-off” means water that originates during a precipitation event and flows over the land rather than infiltrating into the ground or evaporating
- (52) “Run-on” means sources of stormwater that drain from land located upslope or upstream of a permitted project site.
- (53) “Sediment” means solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth’s surface.
- (54) “Sedimentation” means the settling and accumulation of unconsolidated sediment carried by stormwater run-off.
- (55) “Seepage” means the slow escape of a liquid or gas through porous materials or small holes
- (56) “Silvicultural” means the practice of controlling the establishment, growth, composition, health, and quality of forests to meet diverse needs and values.
  - a) Nonpoint activities that do not require permit coverage include source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or logging road construction and maintenance from which there is natural run-off. Some of these activities (such as stream crossing for roads) may involve the placement of dredged or fill material which may require a CWA section 404 permit and a 401 Water Quality Certification.
  - b) Point source activities, subject to permit coverage include any discernible, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States or the State.
- (57) “Soil” means the unconsolidated mineral and organic material on the surface of the earth that serves as the natural medium for the growth of plants.
- (58) “Soil and Water Conservation District” or “SWCD” means a political subdivision established under IC 14-32.

- (59) "Steep slope" means slopes that are 1:3 (V:H) or 33.3 percent or steeper in grade.
- (60) "Stormwater management measure" means a practice or a combination of practices selected to improve the quality of run-off discharges, divert run-off, or mitigate the impacts related to quantity of run-off.
- (61) "Stormwater quality measure" means a practice, or a combination of practices, to control or minimize pollutants associated with stormwater run-off.
- (62) "Strip development" means a multi-lot project where building lots front on an existing road and are not part of a larger common plan of development or sale.
- (63) "Stormwater pollution prevention plan" means a plan developed to minimize the impact of stormwater pollutants resulting from construction activities.
- (64) "Stormwater quality measure" means a practice, or a combination of practices, to control or minimize pollutants associated with stormwater run-off.
- (65) "Total Maximum Daily Load" or "TMDL means" A Total Maximum Daily Load (TMDL) is a regulatory term in the U.S. Clean Water Act, describing a plan for restoring impaired waters that identifies the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards
- (66) "Trained individual" means an individual who is trained and experienced in the principles of stormwater management, including erosion and sediment control as is demonstrated by completion of coursework, state registration, professional certification, or annual training that enable the individual to make judgments regarding stormwater management, treatment, and monitoring.
- (67) "Treat" means improving the stormwater run-off quality, reducing run-off volume, reducing peak flow, or any combination thereof.
- (68) "Water Quality Flow (WQF)" means the peak flow associated with the water quality volume calculated using the Natural Resources Conservation Service graphical peak discharge method.
- (69) "Water Quality Volume (WQV)" means the volume of run-off generated by one inch of rainfall on a site.